

Remarks

The April 7, 2009 Official Action has been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset it is noted that a shortened statutory response period of three (3) months was set forth in the April 7, 2009 Official Action. Therefore, the initial due date for response was July 7, 2009. A petition for a one month extension of the response period is presented with this response, which is being filed within the one month extension period.

The Examiner has rejected claims 1, 4 and 5 under 35 U.S.C. §102(b) as allegedly being anticipated by WO 00/25827.

The Examiner has also rejected claims 1, 4, and 8 under 35 U.S.C. §102(b) as allegedly being anticipated by WO 01/57068.

Lastly, the Examiner has objected to claims 6 and 7 for allegedly being dependent upon a rejected base claim.

The foregoing objection and rejections constitute all of the grounds set forth in the April 7, 2009 Official Action for refusing the present application.

No new matter has been introduced into this application by reason of any of the amendments presented herewith.

In view of the present amendment and the reasons set forth in this response, Applicants respectfully submit that the above objection and the 35 U.S.C. §102(b) rejections, as set forth in the April 7, 2009 Official Action, cannot be maintained. These grounds of rejection and objection are, therefore, respectfully traversed.

**THE CLAIMS ARE NOT ANTICIPATED BY THE '827 APPLICATION**

The Examiner has rejected claims 1, 4 and 5 under 35 U.S.C. §102(b) as allegedly being anticipated by the '827 application. Specifically, the Examiner contends that SEQ ID

NO: 48 is encompassed by the 93 amino acid peptide presented in Figure 4 of the '827 application.

Applicants respectfully disagree with the Examiner's position. However, in the sole interest of expediting prosecution of the instant application, Applicants have amended claims 1 and 5 in accordance with the Examiner's suggestion. Specifically, Applicants have inserted the term "consisting of" after "an isolated MUC1 cytoplasmic tail peptide" and deleted the comma and the term "wherein", thereby overcoming the instant rejection.

In view of the foregoing, the rejection of claims 1, 4, and 5 under 35 U.S.C. §102(b) is untenable. Withdrawal of the rejection is respectfully requested.

**THE CLAIMS ARE NOT ANTICIPATED BY THE '068 APPLICATION**

The Examiner has rejected claims 1, 4, and 8 under 35 U.S.C. §102(b) as allegedly being anticipated by the '068 application. It is the Examiner's position that SEQ ID NO: 32 of the '068 application is identical to SEQ ID NO: 15 of the instant application.

Applicants respectfully disagree with the Examiner's position. However, in the sole interest of expediting prosecution of the instant application, Applicants have deleted SEQ ID NO: 15 from the instant claims, thereby rendering the instant rejection moot.

Accordingly, the instant rejection of claims 1, 4, and 8 under 35 U.S.C. §102(b) cannot be reasonably maintained. Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the amendments presented herewith, and the foregoing remarks, it is respectfully urged that the rejections and objections set forth in the April 7, 2009 Official Action be withdrawn and that this application be passed to issue.

In the event the Examiner is not persuaded as to the

allowability of any claim, and it appears that any outstanding issues may be resolved through a telephone interview, the Examiner is requested to call the undersigned at the phone number given below.

Respectfully submitted,  
DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By   
Robert C. Netter, Jr., Ph.D., J.D.  
PTO Registration No. 56,422

Telephone: (215) 563-4100  
Facsimile: (215) 563-4044